

## WAR GRAVES

*Exchange of notes at Washington December 18, 1947, and January 21, 1948, amending agreement of September 13 and 24, 1946*  
*Entered into force January 21, 1948*  
*Amended by agreement of March 24 and April 19, 1948*<sup>1</sup>

62 Stat. 1889; Treaties and Other  
International Acts Series 1743

### *The Italian Embassy to the Department of State*

ITALIAN EMBASSY  
WASHINGTON, D.C.

No. 11332

The Italian Embassy presents its compliments to the Department of State and has the honor to bring to the Department's attention a new provision adopted by the Italian Government with regard to American war cemeteries.

As known to the Department of State, article 3 [III] of the agreement reached through an exchange of notes in September 1946<sup>2</sup> at Rome, between the Italian Ministry of Foreign Affairs and the United States Embassy, provides that "if in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefore".

Upon instructions received, the Italian Embassy has the honor to inform the Department of State that the Italian Government, wishing to give a token of friendship to the Government and people of the United States, has now decided to grant the American Government the free use of the sites selected for the establishment of war cemeteries.

It would have been the sincere desire of the Italian Government to proceed to a veritable donation of the land involved, but it was not possible to reach such a solution because not consented by existing regulations. On the other hand the advantages that the American Government will draw from such a free cession will be practically the same as those deriving from a

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<sup>1</sup> TIAS 1743, *post*, p. 304.

<sup>2</sup> TIAS 1713, *ante*, p. 194.

donation, since the free use is granted for as long as the selected sites will be destined to military cemeteries.

In the light of the foregoing the Italian Government has the honor to request the American Government to consider the first paragraph of article 3<sup>3</sup> of the aforesaid agreement modified as follows: "The Italian Government grants gratuitously to the American Government right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries".

A. T.

*Washington, D.C., December 18, 1947.*

DEPARTMENT OF STATE  
*Washington, D.C.*

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*The Secretary of State to the Italian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*Jan. 21, 1948.*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note no. 11332 of December 18, 1947 stating that the Italian Government has decided, as a token of friendship to the Government and people of the United States, to grant to the Government of the United States the free use of the sites selected as permanent United States military cemeteries and proposing that the first paragraph of Article 3 of the agreement reached by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome be modified to read as follows: "The Italian Government grants gratuitously to the American Government the right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries."

I wish to express to you and through you to the Italian Government the profound appreciation of the Government and people of the United States for this most generous gift which will further strengthen the strong bonds of sympathy and friendship between our two countries. To all Americans, and particularly to those who lost their loved ones in the course of our common effort against the enemy, the land so graciously offered by the Italian Government will forever be hallowed land. On their behalf I assure you of the heartfelt thanks and gratitude for this most magnanimous gift.

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<sup>3</sup> For an amendment, see exchange of notes of Mar. 24 and Apr. 19, 1948 (TIAS 1743), *post*, p. 304.

The Government of the United States is happy to agree to the proposed change in Article 3 of the agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

JOHN E. PEURIFOY

His Excellency

Signor ALBERTO TARCHIANI,

*Italian Ambassador.*